UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/435,602	11/05/1999	MIKA LEPPINEN	4925-14	5428

7590	05/04/2005

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EXAMINER
POLLACK, MELVIN H

ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/435,602	LEPPINEN, MIKA
	Examiner	Art Unit	
	Melvin H. Pollack	2145	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _26 November 2004_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-12_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-12_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _05 November 1999_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☒ Other: _see attached office action_.

DETAILED ACTION

Response to Arguments

1.   In view of the appeal brief filed on 26 November 2004, PROSECUTION IS HEREBY

REOPENED. New grounds for rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following

two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37

CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a

supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or

other evidence are permitted. See 37 CFR 1.193(b)(2).

2.   Applicant's arguments, see the appeal brief, P. 5, line 8 – P. 6, line 12, filed 26 November

2004, with respect to the rejection(s)of claim(s) 1, 2, and 5-11 under Pitts in view of Gupta have

been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of a different

interpretation of the previously applied reference. More specifically, it has been determined by

the examiner that Gupta teaches the parts that Pitts lacks.

3.   Applicant argues that Pitts does not teach or disclose the web server sending a redirection

message (step c) or creating and transmitting another request to a new location (step d). As

shown in prior actions, a client of Pitts (Fig. 1, #42) accesses a gateway server (Fig. 1, #24; Fig.

3, #106). Said gateway server checks its own cache (Fig. 3, #129) and then contacts either its

internal web server (Fig. 3, #112) or uses an I/O section (Fig. 3, #108) to contact an external web

server (Fig. 1, #26). The examiner notes that the claim language fails to specify whether the

gateway server is remote to the web server; they may be the same device. Each node down the

cahain performs a similar function (col. 11, lines 20-40). As any of the computers on the chain

may be a server terminator, and thus the information may be on any of the disks, each node must

decide in which manner to search. There must also be mechanisms for creating and interacting

with the data channel (col. 15, lines 38-42), for the purpose of multiple image projections (col.

17, line 60-col. 18, line 30), channel claiming (col. 21, lines 35-55) or consistency control (col.

35, lines 48-60).

4.   Upon further review, the examiner has determined that Pitts does not expressly disclose

whether the searching method is handled by "redirection messages" or by pre-programmed

routes in which a node knows to check location B if it doesn't find the information in location A.

It has been shown that a location A provides a response regarding whether the information is

there, and that the node would then craft a request message to location B, but it is unclear

whether location A's response includes "check location B" or whether the nodes next-crafted

message is based upon it. Therefore, the examiner withdraws the previous rejection.

5.   In response to applicant's argument that Gupta is nonanalogous art, it has been held that a

prior art reference must either be in the field of applicant's endeavor or, if not, then be

reasonably pertinent to the particular problem with which the applicant was concerned, in order

to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977

F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Gupta teaches redirection from an

application server to a login server and back (col. 7, lines 1-15) in a wireless network (col. 8,

lines 40-41). As the claims do not specify why a redirection occurs, they may be read as for a

purpose other than determining the location of data, provided that a redirection ends on a server

holding the requested data. Thus, the redirection from login server to application server fulfills

this process. Further, Gupta teaches that the redirection messages are not sent to the client (col.

7, lines 18-24). Therefore, the art is analogous, and teaches what Pitts lacks. Hence, the

examiner maintains a rejection on the basis of Pitts in view of Gupta, under different rationale,

and therefore will reinstate finality.

6.   The applicant alleges that Kalpio does not expressly disclose "new location" information

within the header. Examiner responds that Kalpio teaches the location information as part of the

header, which is necessary for billing and authentication techniques (col. 5, lines 10-30; col. 4,

lines 38-60).

7.   In response to applicant's argument that Martin is nonanalogous art, it has been held that

a prior art reference must either be in the field of applicant's endeavor or, if not, then be

reasonably pertinent to the particular problem with which the applicant was concerned, in order

to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977

F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Martin teaches using aliasing to

perform redirection during times of resources being moved to an unknown location (abstract)

and further using redirection URLs to resolve issues of relocated resources (col. 1, line 1 – col. 4,

line 32).

8.   For the above reasons, finality has been reinstated.

Claim Rejections - 35 USC § 103

9.   Claims 1, 2, and 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Pitts (6,505,241) and Gupta et al. (6,226,752).

10.   For claims 1 and 8, Pitts teaches a method (abstract) for minimizing data transmission

(col. 2, lines 20-40) between a station (Fig. 1, 42) and a gateway server (Fig. 1, 24), comprising

the steps of:

a.   Transmitting by a station to a gateway server a request for at least one of content

and resource located on a web server (col. 7, lines 15-16 and 55-60) using a first protocol

(col. 7, lines 65-67; col. 8, lines 10-15);

b.   Transmitting the request by the gateway server to the web server (col. 11, lines

20-45) using a second protocol that is compatible with that used by the web server (col. 8,

lines 15-25; col. 11, lines 10-20);

c.   Receiving a "info not here" message by the gateway server from the web server

(col. 15, lines 20-40; see the response above), the redirection message indicating a new

location of the at least one of content and resource (col. 11, lines 45-60; the gateway

checks the servers one at a time to determine which server has the information in cache or

on a hard drive, called a "server terminator");

d.   Creating and transmitting by the gateway server to one of the web server and

another web server another request (Fig. 4, #160; see the response above) for the at least

one of content and resource at the new location in response to said message (col. 11, lines

45-60; the request is passed until the data is found) and without communicating the

message to the station (Fig. 1, #54 and #56, show the pathways of these redirection

messages, and show that the messages travel from gateway to server and back, but do not

travel to the station);

e.   Receiving by the gateway server the at least one of content and resource from said

one of the web server and another web server (col. 11, lines 55-65); and

f.   Transmitting the at least one of content and resource from the gateway server to

the station using the first protocol (col. 11, line 65 – col. 12, line 10).

11.   Pitts does not expressly disclose that the station is mobile. Gupta teaches a method

(abstract) of forwarding requests (Fig. 1) from a client (Fig. 2. 200) over a wireless network (col.

2, lines 1-8). At the time the invention was made, one of ordinary skill in the art would have

added a wireless network to Pitts in order to increase the types of clients that can be linked

together (col. 1, lines 60-65).

12.   Pitts also does not expressly disclose a redirection message from one server to another.

Gupta teaches a method in which a client (Fig. 1, #100; Fig. 2, #200) uses a gateway (Fig. 1,

#125) to access a login server (Fig. 1, #126; Fig. 2, #204). The login server then redirects the

gateway to the application server (Fig. 2, #202) with the new location information (col. 12, lines

45-50) so that the client may retrieve the information (col. 11, lines 30-45). At the time the

invention was made, one of ordinary skill in the arts would have noted that the Pitts system is

used in commerce systems which utilize sensitive financial data (Pitts, col. 2, lines 48-62) and

would have been motivated to add an authentication system to ensure that only authorized people

may view this data (Gupta, col. 1, lines 20-40).

13.   For claims 2 and 11, Pitts does not expressly disclose transmitting the new location of the

at least one of content and resource to the mobile station from the gateway server after receiving

by the gateway server the at least one of content and resource from said one of the web server

and another web server. Gupta teaches this limitation in regards to gaining authentication

resources from the login server without having to continuously access through the application

server (Fig. 3, #314; col. 7, lines 1-25). At the time the invention was made, one of ordinary

skill in the art would have sent location information to the client so that the client would not have

to go through the process each time (col. 6, lines 20-25).

14.   For claim 5, Pitts does not expressly disclose that the second protocol is based on a

World-Wide Web protocol (WWW). Gupta discloses this limitation (col. 2, lines 34-50). At the

time the invention was made, one of ordinary skill in the art would have used a WWW protocol

to provide a simpler, more uniform means for accessing information on the internet (col. 2, lines

25-35).

15.   For claims 6 and 10, Pitts does not expressly disclose that the second protocol is the

HyperText Transport Protocol (HTTP). Gupta teaches this limitation (col. 2, lines 45-50). At

the time the invention was made, one of ordinary skill in the art would have used a WWW

protocol to provide a simpler, more uniform means for accessing information on the Internet

(col. 2, lines 25-35).

16.   For claims 7 and 9, Pitts does not expressly disclose that the request is coded as a

Uniform Resource Locator (URL). Gupta teaches this limitation as well (col. 3, lines 15-30). At

the time the invention was made, one of ordinary skill in the art would have used a URL as a

compact way to send the information and to simplify access (col. 3, lines 30-50).

17.   Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pitts and

Gupta as applied to claims 1, 2 and 8 above, and further in view of Kalpio et al. (6,343,323).

18.   For claims 3 and 12, Pitts and Gupta do not expressly disclose that the new location is

included as a header transmitted with the at least one of content and resource. Kalpio teaches a

method (see abstract) of using a proxy between a client and a server bank (Fig. 1-3) in which a

header contains the information (col. 1, line 54 – col. 2, line 5). At the time the invention was

made, one of ordinary skill in the art would have combined the two inventions so that the control

data may be kept with the related data for better processing (col. 3, lines 44-52).

19.   Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pitts and Gupta as

applied to claim 1 above, and further in view of Martin et al. (6,457,060).

20.   For claim 4, Pitts and Gupta do not expressly disclose that the first protocol is based on

the Wireless Application Protocol (WAP). Gupta does, however, disclose a wireless network, as

shown above. It is thus inherent that the first protocol over a wireless network be a wireless

protocol such as WAP or Wi-Fi. Martin teaches this protocol (col. 2, lines 63-67; col. 5, line 64

– col. 6, line 18). At the time the invention was made, one of ordinary skill in the art would have

added a WAP protocol to Gupta as a way to implement Gupta's wireless networks in a simple,

robust manner.

Conclusion

21.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time
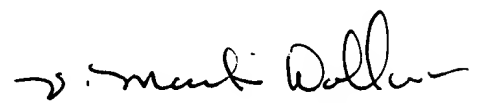
policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Melvin H. Pollack whose telephone number is (571) 272-3887.

The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Valencia Martin-Wallace can be reached on (571) 272-6159. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHP
29 April 2005

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